

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

TRAFalgar Power, Inc., *et al.*,

Plaintiffs,

Civil Action No.
5:05-CV-1533 (DNH/DEP)

vs.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFFS:

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Pittsford, NY 14534

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FOR DEFENDANT:

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BRIAN J. BUTLER, ESQ.
COLIN M. LEONARD, ESQ.

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

Defendant U.S. Bank National Association f/k/a State Street Bank & Trust Company of Connecticut has moved pursuant to Rules 14 and 18 of the Federal Rules of Civil Procedure for an order permitting the filing of a third party complaint in this action against Algonquin Power Corporation, Inc., Algonquin Power Income Fund and Algonquin Power Income Fund (Canada), Inc. Dkt. No. 56. The court has been informed that plaintiffs Trafalgar Power, Inc. and Christine Falls Corporation do not oppose defendant's motion.

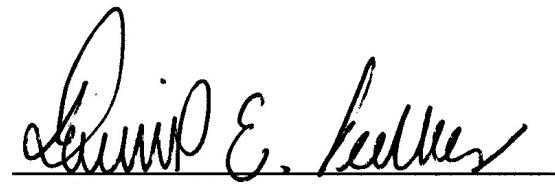
Based upon the foregoing, and upon due deliberation, it is therefore hereby

ORDERED as follows:

- 1) Defendant's motion for permission to file a third party complaint in this action (Dkt. No. 56) is GRANTED.
- 2) Within ten (10) days of the date of this order defendant shall file, with proof of service upon plaintiffs' counsel, a third party complaint in the form of the proposed third party complaint attached to and made a part of defendant's motion (Dkt. No. 56-4).
- 3) Upon the filing of defendant's third party complaint the clerk is directed to issue summonses addressed to the three third party

defendants joined in accordance with this order.

4) The clerk is directed to promptly forward copies of this order electronically to counsel for plaintiffs and defendant pursuant to this court's local rules.



David E. Peebles
U.S. Magistrate Judge

Dated: June 19, 2009
Syracuse, NY